ELLIS: LAWHORNE

John F. Beach Direct dial: 803/343-1269 jbeach@ellislawhorne.com

December 6, 2006

FILED ELECTRONICALLY AND ORIGINAL VIA 1ST CLASS MAIL SERVICE

The Honorable Charles L.A. Terreni

Chief Clerk

South Carolina Public Service Commission

Post Office Drawer 11649 Columbia, South Carolina 29211

RE:

Petition of the Office of Regulatory Staff

Docket No. 2006-327-WS, ELS File No. 1015-10306

Dear Mr. Terreni:

Enclosed for filing please find the original and one copy (1) copy of the Response of Wyboo Plantation Utilities, Inc. to Petition of the Office of Regulatory Staff for filing in the above-referenced docket. By copy of this letter, I am serving all parties of record in this proceeding and enclose my certificate of service to that effect.

Please stamp "received" the additional copy of this letter, and return in the enclosed envelope.

With kind regards, I am

Yours truly,

John F. Beach

J. Beul

JB/cr

Attachment

cc:

all parties of record, w/a

Mr. Mark Wrigley, w/a

THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2006-327-W/S

IN RE:)
Office of Regulatory Staff, Petitioner))) RESPONSE OF WYBOO PLANTATION
v.) UTILITIES, INC. TO PETITION OF THE) OFFICE OF REGULATORY STAFF
Wyboo Plantation Utilities, Inc., Respondent.))

Pursuant to the October 25, 2006 Notice issued by the Public Service Commission of South Carolina (the "Commission") and received by Wyboo Plantation Utilities, Inc. ("Wyboo") on November 6, 2006, 26 S.C. Regs., 103-837 and 103-841, Wyboo responds to the Petition of South Carolina Office of Regulatory Staff ("ORS") dated October 20, 2006.

Wyboo appreciates ORS's attention to Wyboo's operations in this and Wyboo's pending rate proceeding. Through this process, Wyboo management has gained essential information regarding the proper business operations of a regulated water and sewer utility in South Carolina.

Wyboo agrees that "Public Interest" is defined by South Carolina statute as follows:

- ... a balancing of the following:
- (1) concerns of the suing and consuming public with respect to public utility services, regardless of the class of customer;
- (2) economic development and job attraction and retention in South Carolina; and
- (3) preservation of the financial integrity of the state's public utilities and continued investment in and maintenance of utility facilities so as to provide relative and high quality utility services.

Wyboo believes that it is appropriate for the Commission to utilize this definition as its standard for deciding upon the issues in this proceeding.

Water Tap Fees, Impact Fees, Cut-on, Cut-off Fees, Illegal Water Use fee.

Wyboo acknowledges that it has charged water tap fees to certain new customers since Mark Wrigley became Wyboo's sole stockholder in 2001. Wyboo charged this tap fees in part because Wyboo's previous owner, Bill Gregory, informed Mr. Wrigley upon the his sale of Wyboo that Wyboo was tariffed by the Commission to charge a tap fee for each new water customer.

Wyboo utilized its own personnel, hired third-party contractors, and purchased materials in order to grant customers' requests to be interconnected to the Wyboo water system. Wyboo made these connections in a timely fashion, and the customers received the benefits associated with those interconnections. The amounts that Wyboo charged customers did not fully cover the costs that Wyboo incurred in making these interconnections. At the time of these interconnections, Wyboo expended real costs, and provided valuable services that were commensurate with the amounts these customers paid.

Wyboo is informed and believes that it has not charged any water impact fees.

While the utility is unaware of any specific water cut-on, cut-off fees it may have levied, it believes that any charges it may have levied for water cut-on and cut-off are also consistent with the Utility's costs associated with this service.

Wyboo is currently pursuing rates and tariff provisions that will formalize all charges for water and sewer service.

Sewer Tap Fees in Excess of \$500

Wyboo acknowledges that it has charged certain customers in excess of \$500 for sewer connections. As with the charges related to water connections, Wyboo utilized its own personnel, hired third-party contractors, and purchased materials in order to grant customers' requests to be interconnected to the Wyboo sewer system. Wyboo made these connections in a timely fashion, and the customers received the benefits associated with those interconnections. The amounts that Wyboo charged customers did not fully cover the costs that Wyboo incurred in making these interconnections. At the time of these interconnections, Wyboo expended real costs, and provided valuable services that were commensurate with the amounts these customers paid.

Wyboo is currently pursuing rates and tariff provisions that will bring Wyboo's tariffed charges for sewer connection in line with its associated costs.

DHEC Sewer Fee

Wyboo acknowledges that it charged certain customers a fee related to the costs associated with DHEC's regulation of its sewer treatment services. Wyboo was under the misunderstanding that it could do this pursuant to Commission and DHEC regulations. Wyboo realizes that its understanding was incorrect, and commits to refund all such charges that it may have collected since Mr Wrigley purchased Wyboo in 2001.

Conclusion

It is Wyboo's hope that this response will fully satisfy ORS's concerns. Wyboo believes that its treatment of the various charges was in the "public interest" as defined above. Wyboo is ready and willing to provide such other and further evidence as the Commission may deem just and proper.

John F. Beach, Esquire

John J. Pringle, Jr., Esquire

1501 Main Street, 5th Floor

P.O. Box 2285

Columbia, South Carolina 29202

Telephone: (803) 779-0066 Facsimile: (803) 799-8479

Attorneys for Wyboo Plantation Utilities, Inc.

Columbia, South Carolina December 6, 2006

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2006-327-W/S

IN RE:)
Office of Regulatory Staff, Petitioner)))
V.) CERTIFICATE OF SERVICE)
Wyboo Plantation Utilities, Inc., Respondent.)

This is to certify that I have caused to be served this day, one (1) copy of the Response of Wyboo Plantation Utilities, Inc. to Petition of the Office of Regulatory Staff via electronic mail service and by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

Wendy Cartledge, Esquire
C. Lessie Hammonds
Office of Regulatory Office of Regulatory Staff
Legal Department
PO Box 11263

Columbia SC 29211

Carol Roof, Paralegal

December 6, 2006 Columbia, South Carolina